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UNCLAS SECTION 01 OF 02 KINSHASA 000422

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TAGS: PHUM PGOV KPKO CG
SUBJECT: MONUC PUSHES GDRC TO PROTECT HUMAN RIGHTS WITH
RELEASE OF SECOND 2006 HUMAN RIGHTS REPORT

1. (SBU) Summary: MONUC characterized its human rights findings for the second half of 2006 as a matter of "grave concern." It documented a substantial increase in the number of politically motivated incidents during the electoral period, a decrease in the proportion of human rights violations committed by the Congolese army, and an increase in the number of human rights violations by the police. Congolese ministers promised to issue "zero tolerance" messages on human rights and to create follow-up committees to discuss MONUC's monthly human rights reports. End summary.

MONUC Meets with Ministries on Human Rights Situation in DRC

12. (SBU) MONUC Deputy Special Representative to the Secretary General (DSRSG) Haile Menkerios and DRC UN Human

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Rights Office Director Fernando Castanon presented on March 12 the MONUC Human Rights Office report for the period July to December 2006 to newly-appointed Defense Minister Chihez Diemu and Human Rights Minister Eugene Ilwaaloma. According to Castanon, both ministers called the human rights situation in the DRC "critical" and stressed the importance of MONUC assistance in the fight against impunity. Ilwaaloma said he would create a mechanism for working with MONUC on human rights cases. Chihez pledged to make a public statement of zero tolerance for human rights violations committed by the army. He pledged to create a follow-up committee to include MONUC representatives and high-level Defense, FARDC, and military justice officials to review monthly MONUC reports on FARDC human rights violations.

13. (SBU) Castanon also met with Interior Minister Denis Kalume on March 14 to discuss human rights violations by Congolese police (PNC). He told us Kalume agreed to issue a "zero tolerance circular" to all provincial police inspectors and to instruct the Special Services branch of the Kinshasa police, implicated in politically motivated illegal detention and mistreatment, to act in accordance with human rights standards. Kalume promised to ensure unhindered access for MONUC human rights investigators to the Special Services' Kin Maziere Detention Facility and to create a follow-up committee of MONUC representatives and high-level Interior Ministry and police officials.

Politically Motivated Incidents Rose During Elections

14. (U) The report, entitled "The Human Rights Situation in the Democratic Republic of Congo," was published by the United Nations Human Rights Office (UNHRO). It noted a marked increase in politically motivated arbitrary arrests from the beginning of the first electoral campaign in July 2006, particularly in Kinshasa. The office investigated 170 political arrests and found that most were followed by ill treatment and torture of detainees. The main perpetrators, according to the report, were the Republican Guard, the National Intelligence Agency (ANR), the PNC (especially its Special Services branch), and the private guard force of Senator and former Vice President Jean-Pierre Bemba.

15. Per the report, the Republican Guard was responsible for more than 100 cases of torture and/or cruel, inhuman, and degrading treatment of civilians thought to be supporters of Bemba's MLC party. Most ANR violations involved illegal detention. The Police Special Services were accused of carrying out most politically sensitive arrests in the capital. It regularly detained people beyond the legal time limit, was responsible for torture and ill treatment, and systematically denied detainees visits from lawyers and family members. Bemba's personal guard forces also carried out a number of illegal detentions in Kinshasa, which were often followed by ill treatment and torture.

FARDC Violations Decrease as a Percentage of All Violations

16. (U) The report found that cases involving the Congolese army had decreased from 53 percent of all human rights violations from January to June 2006 to 40 percent of all human rights violations from July to December 2006. This was not because of any improvement in FARDC behavior but because of a large increase in police violations. The report noted

KINSHASA 00000422 002 OF 002

that the FARDC continued to be responsible for summary executions, torture, rape, arbitrary arrest, and intimidation of civilian exercising their political rights. These violations frequently involved high-ranking FARDC officers, none of whom had been brought to trial by the time of the report's release. In particular, UNHRO found that FARDC human rights violators continue to be appointed and promoted.

UNHRO reported FARDC soldiers throughout the country committed acts of abuse of power, attempted to illegally carry out law enforcement activities, and erected illegal check points to extort money and food from civilians.

PNC Violations Increase

17. (U) According to the report, the number of human rights violations committed by the PNC increased in the second half of 2006 by 15 percent, from 24 percent to 39 percent of all violations. In addition to the politically motivated arrests noted above, there was an increase in the number of mass rapes of women and girls committed by police officers throughout the country. UNHRO reported that PNC officers carried out arbitrary arrests of civilians and often subject them to cruel, inhuman, and degrading treatment or torture. They were also reportedly involved in human rights abuses related to the illegal exploitation of natural resources in North and South Kivu and Katanga provinces.

Justice Denied by Condition of DRC Prisons

18. (U) Efforts to bring human rights violators to justice were "invalidated by the dilapidated state of national penitentiary facilities, which facilitated prison escapes," according to the report. During the second half of 2006, at least 429 detainees, including some convicted of serious human rights violations, escaped from prisons and detention centers throughout the country. Some escapes were due to the condition of the facilities or negligence, others to the assistance of guards and prison authorities. Those incarcerated faced "appalling" detention conditions: lack of electricity, food, drinking water, and basic medical care. Deaths due to malnutrition were regularly reported to NHRO.

Comment

19. (SBU) The MONUC report is credible and well-documented, and it paints a stark picture of the serious human rights violation in the DRC. Previous engagement by MONUC to engage with the Transitional Government produced little change in the human rights situation. With an elected government, however, officials can be held accountable for failing to protect the human rights of citizens. Post will monitor the follow-through of ministers on their commitments in this area. End comment.

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